RLS RAINS LUCIA STERN
ST. PHALLE & SILVER, PC

Robert W. Nichelini
Of Counsel
RNichelini@RLSlawyers.com

June 30, 2026

VIA EMAIL [POSADPC@POST.CA.GOV] FIRST-CLASS MAIL

Commission on Peace Officer Standards and Training
Peace Intake and Disposition Bureau
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1603

Re: Peace Officer Standards Accountability Advisory Board
Revocation Proceedings – Kevin Smithmatungol
Case Numbers – POST2505112, POST2505137 and POST2505140

I am submitting the following statement on behalf of Kevin Smithmatungol and request that the **Peace Officer Standards Accountability Advisory Board consider it** during its deliberations.

Mr. Smithmatungol is deeply and sincerely remorseful for his actions, which ended his childhood dream of pursuing a career in law enforcement, a dream that began when he was a 17-year-old Police Explorer in Southern California. His brother is a police sergeant, and law enforcement is a family tradition. Mr. Smithmatungol holds a bachelor's degree in criminal justice and graduated at the top of his class from the Contra Costa County Sheriff's Academy.

When these incidents occurred, Mr. Smithmatungol was dealing with family trauma. [redacted] and he had been working 16-hour days with little rest between shifts. He has repeatedly apologized for his actions and has voluntarily resigned from the Department.

Mr. Smithmatungol's behavior was entirely inconsistent with his prior honorable service and, significantly, did not endanger community safety or directly harm any members of the public. In fact, Mr. Smithmatungol continued to perform his regular Police Department duties for months after his misconduct was discovered, investigated, and reported to the Department's command staff.

Mr. Smithmatungol is willing to accept any suspension length that would allow him to potentially regain his peace officer status. Since leaving the Daly City Police Department, he has become a certified Emergency Medical Technician and is now working toward a career in nursing, demonstrating his dedication to helping the community and local residents.

I sincerely believe that Mr. Smithmatungol deserves a second chance.

Very truly yours,

RAINS LUCIA STERN
ST. PHALLE & SILVER, PC



Robert W. Nichelini